

Rabbi, Make a Fence for Yourself

Rael Strous

Bio: Rael Strous is a psychiatrist who completed his training at the Albert Einstein College of Medicine, Massachusetts Mental Health Center and Harvard Medical School. He serves as the Director of the Chronic Inpatient Unit at the Beer Yaakov Mental Health Center and as Program Director of the New York State/American Program at the Sackler Faculty of Medicine, Tel Aviv University

Abstract: The power of a rabbi has associated pitfalls. The danger inherent in his powerful relationship with those he serves comes from a lack of appreciation of boundaries, an often overlooked aspect of rabbinic training. Several recent high profile cases highlight the critical importance of respecting boundaries, which ensure that professional and personal identities remain distinct and allow safe interaction. Boundary violations damage the safety of the interaction between rabbi, teacher, youth leader and congregant/student. The risk of boundary violations is associated with a characteristic personality make-up in the rabbi and the congregant/student. Boundary violations can be prevented with responsible measures, including safety mechanisms inherent in halakhah prior to any damage being wrought. Ultimately, education and training are the mainstays of ensuring that small problems do not become major ones.



Meorot 8
Tishrei 5771
© 2010

A Publication of
Yeshivat Chovevei Torah
Rabbinical School

Rabbi, Make a Fence for Yourself

Rael Strous

Introduction

The rabbinate is a noble profession and the rabbi's role may encompass every stage of an individual's life from the "cradle to the grave." Some rabbis choose to focus on their role as educators, some as leaders and others as counselors. Above all, a rabbi wields great influence and phenomenal power that can be of assistance to the congregant, student, client etc. Like all power, however, rabbinic power comes with danger. The danger inherent in such powerful and uneven relationships comes from a lack of respect for boundaries. Unfortunately this is usually an overlooked aspect of rabbinic training where, quite justifiably, the emphasis is placed upon scholarship, deep understanding of the classical texts and commentators, and, most importantly, practical *halakhab*.

Several recent high profile cases have highlighted the critical importance and value of respecting boundaries at all stages in the rabbi-congregant/student relationship. This has become all the more vital given the changing role of the rabbi in many contexts whereby he is called to attend to issues over and above the traditionally halakhic consultation role rabbis have played through the generations. Often the problem begins with the fact that the student or congregant shares his or her deepest secrets and feelings with the rabbi. Several examples of boundary violations leading to sexual misconduct and other misdemeanors by rabbis could be given, but providing case illustrations is not pertinent because the issues are universal and timeless. The context is not as important as the values they present for the rabbinic

profession in preventing serious affronts to the profession, with often with innocent, albeit misguided, beginnings. Most importantly, such behavior breaches core values of Judaism and needs to be prevented¹

In this brief description of the phenomenon, my intent is to visit and define the concept of boundary violations, describe situations in which they are most likely to occur and explore the particular dangers of boundary violations and its most egregious consequences. I also portray the nature of

It is important that boundaries be clarified at the outset of the interaction

the rabbi, congregant/student, and/or relationship that is most at risk for boundary violations. Finally, I present some recommendations aimed to prevent the occurrence.

What are Boundary Violations?

While the precise nature of boundaries may be difficult to characterize, Sarkar² defines the term as one that refers to the distinction between professional and personal identity. Rather than being an obstacle to contact, they permit and foster safe interaction between individuals. Boundaries determine the limits of professional identity and roles, demarcating the framework of interpersonal encounters between a professional and a layperson. Boundaries come to maintain the safety of both parties. Their violations thus reflect an affront to the safety of

1. Friedman M., "Crossing the line. What Makes a Rabbi Violate Sexual Boundaries – And What Can be Done about It?" *Tempest in the Temple Jewish Communities and Child Sex Scandals*, Amy Neustein, ed. (Brandeis University Press/University Press of New England 2009).

2. Sarkar SP. "Boundary violation and sexual exploitation in psychiatry and psychotherapy: a review," *Advances in Psychiatric Treatment*, 2004;10, 312 -320.

the interaction between rabbi, educator or youth leader and congregant/student and can be a significantly damaging phenomenon. It is important that boundaries be clarified at the outset of the interaction, implicitly and at times even explicitly if the need arises, and that it be clear that there is an “agreement” that the relationship will be a purely professional one.

Boundary violations can involve a spectrum of activities, ranging in frequency and extent of damage. In the mental health care field, it has been suggested that a distinction can be made between boundary violations (causing harm) and boundary crossings (which do not *yet* cause harm but are a diversion from usual and accepted interaction/behavior).³ A series of boundary crossings can develop into boundary violations, however, and therefore this distinction remains controversial but important. If a rabbi’s role is to facilitate or foster spiritual or other growth, then a focus on this objective should be maintained at all times with no diversion from that goal in order to expand the relationship and interaction into areas inappropriate to this purpose.

When do Boundary Violations Occur?

Boundary violations take place in any relationship when one individual who has some power over another (employer, leader, teacher, officer, supervisor) crosses and breaches boundaries, be they physical or emotional. Boundary violations may begin quite innocently with a cumulative effect of “boundary crossings,” even without one or both parties realizing it. While such violations usually begin with the rabbi’s genuine desire to assist the congregant or student in distress, they often end in disaster to both parties as well as their respective families. It is precisely this factor that makes the problem such a dangerous one, and

one that very easily can destroy careers, families and emotional stability of the parties involved. Examples of boundaries being overstepped at an early stage may include meeting a student/congregant alone in one’s office behind closed doors at a time when no one is around and meeting the congregant/student at a venue other than one’s office, especially at night. Such boundary violations may extend to the use of first names rather than “rabbi” or even a gentle touch as a sign of comfort or empathy when the individual is coming for help. The problem becomes most acute when the congregant is in the midst of crisis and thus very vulnerable. It is particularly in such a scenario that preserving boundaries is essential, since this is the time when the congregant is most likely to become weakened and the interaction is primed for subsequent problems.

A major dynamic of boundary violations is the belief that one is "above the rules."

Under such conditions, the rabbi must be particularly wary of the absolute necessity to maintain boundaries at all times, since misinterpretation is an ever present possibility if boundaries are not made absolutely clear. This is a clear fiduciary responsibility. Often a major dynamic in the phenomenon of boundary violations is the belief that one is "above the rules." While accusations may be unfounded, when boundaries are maintained damage in most cases can be averted even with the most litigious and provocative individual. Thus boundary preservation combined with mutual respect and trust help maintain the rabbi-congregant relationship as a safe and sacred interaction. As a first step, the rabbi must recognize and respect the “profound power differential” involved in the interaction.³

3. Guchteil TG & Gabbard GO, “The concept of boundaries in clinical practice: theoretical and risk-management dimensions,” *American Journal of Psychiatry*, 1993; 150:188-96.

4. Garfinkel PE & Dorian B, Sadavoy J, Bagby RM. “Boundary violations and departments of psychiatry,” *Canadian Journal of Psychiatry*, 1997; 42, 764-70.

Certain actions are certainly forbidden and destructive, but others are less clear and require careful consideration if the rabbinic profession is to arrive at a consensus of what is and what is not permitted. A similar mode of discussion has existed for years in the professions of psychology and psychiatry and it has had to confront frequent and severe infringements of boundaries amongst its practitioners.⁴ The importance of firm and uncompromising boundaries now comprise one of the first and most important skills taught to students of the psychology and psychiatry professions. Boundaries provide safety and allow the necessary “work” between two individuals (rabbi and congregant/student) to take place. With the maintenance of these critical limits, each does not have to waste valuable emotional energy trying to feel safe. It becomes a given and therefore respected. Although boundary violations are most egregious and most known in the area of sexual conduct, they also exist in other areas such as social and business contact; and while the latter violations may appear less serious, they can become as damaging as the former. Here is an example: Because the rabbi may serve as an idealized power to the congregant, the congregant may be more inclined to give various benefits or be at risk to be exploited in business without even realizing the process is taking place.

Dangers Inherent in Boundary Violations

While *halakhab* firmly prohibits any sexual interaction between a rabbi, educator, youth leader and congregant/student, despite the intention of the rabbi to avoid and untoward interaction with whom he is serving, a female “follower” of the rabbi may develop an infatuation with him. What is important to the follower is the meaning to her of the rabbi’s behavior, not his intent.² Moreover, the rabbi is human and his approaches can satisfy some of his unrecognized narcissistic needs for respect and admiration, so he may succumb to inappropriate advances by the woman or even

inadvertently encourage such boundary crossings. This is the best-case scenario, in an unacceptable situation.

At worst, fully cognizant of his inherent power in the relatively one-sided relationship, the rabbi may encourage the deterioration of the relationship into overt sexual misconduct and exploit the weakness of the congregant/student. In this case, the rabbi may be having personal difficulties in his professional life or in relationships with a partner close to him. This might even extend to difficulties and considerable stress that the rabbi may be undergoing with his congregation at large, and any unexpected support or defense from a female member in the community may lead to loosening of the boundaries with inevitable consequences. The rabbi might also exploit the vulnerability of the congregant/student who may be emotionally unstable as a result of any problems she may be experiencing. This latter case scenario applies even to a consensual relationship with a congregant or student, which would also be forbidden due to the inherent imbalance of power in the interaction. Either way, the results are catastrophic to both partners. The only way to prevent such deterioration is to maintain absolute and firm boundaries at all times between the two.

What is important is the meaning to her of the rabbi’s behavior, not his intent.

Furthermore, there exist certain personality subtypes who may come to the attention of a rabbi in the course of managing relationship conflicts. Impulsive behavior and erratic interpersonal interaction may be prominent manifestations of these traits on the part of the female congregant. The rabbi needs to be aware of the sexually provocative nature of behavior that may transpire and the dangers of being “seduced” by “interesting and exciting” members of their community whom they may feel the need or desire to “save” and “rescue”

from a difficult situation. Many marriages and relationships have been destroyed by individuals of this nature, who rapidly idealize and devalue respected leadership figures such as their rabbi.

Sexual Misconduct by Rabbis

The most damaging result of not enforcing boundaries is clergy sexual misconduct. The extent of rabbinic sexual misconduct is unknown; yet while probably uncommon, it is most likely underreported. While it cannot be always precisely defined, if present it may range from what appears to be harmless and innocent to more obvious indiscretion, including inappropriate touch, sexual harassment and even adulterous relationships. It always reflects abuse of power.

Not all incidents of sexual misconduct related to the clergy are associated initially with boundary violations. Although rarer, some incidents involve rabbis who are psychopathic or suffer from various paraphilias. However many are associated with boundary crossings or infringements, and it is these situations that are most preventable. Since several modes of interaction remain unclear in the interaction between two people of what is appropriate and what is not, the exact extent of the problem remains unclear.

Some of this may be explained by “grey areas” that exist in such relationships, since what may be comfortable to one may be considered unacceptable to another. It also may depend on age and stress levels of the individual and, most importantly, needs for emotional care

and support at various times in the individual’s life.

The extent of rabbinic sexual misconduct is unknown, but it is likely under-reported.

Many, if not most, instances of sexual misconduct resulting from boundary violations go unchecked and unreported. The problems mostly arise during a period of emotional insecurity in the life of a female student or congregant. Here, often without the overt knowledge of both parties, boundaries ease and the slippery slope into sexual misconduct begins.⁵ Many processes are occurring at the psychodynamic level during such an interaction, much of which is reflected in the rabbi’s misinterpretation of the congregant’s desire for maternal nurturance as sexual overtures and the rabbi’s enactments of rescue fantasy. The female “congregant in distress” admires the rabbi and strokes his ego. He in turn fosters this devotion in order to boost his tenuous self-image and becomes all too eager to rescue. This leads to inevitable boundary violations and spiraling disaster.

It has been reported that the rate of sexual boundary violations is higher among the clergy than any other helping profession. While the reasons for this are numerous, arguably the most important factor accounting for the phenomenon is lack of education and training, particularly in knowing how to prevent such problems by means of strict initial boundary setting in any interaction between the two parties.⁶

5 Simon RI, “Therapist-patient sex. From boundary violations to sexual misconduct,” *Psychiatric Clinics of North America*, 1999; 22:31-47.

6. Blanchard GT, “Sexually abusive clergymen: A conceptual framework for intervention and recovery,” *Pastoral Psychology*, 1991;39, 237-245.

Can a Rabbi-Congregant Relationship ever be Consensual?

The question remains: What if the interaction between the rabbi and congregant is consensual? While it may appear that such a relationship is consensual, there is an inevitable imbalance in the power equilibrium that exposes at least one party in the relationship (usually the congregant/student) to exploitation by the other (usually the rabbi). Under such circumstances, it would be difficult to determine whose needs are primary in the interaction⁷: Is it the rabbi's need for the relationship or is it the congregant finding comfort in the warm-hearted interaction? For this reason, romantic involvement needs to remain off limits and categorized as boundary violation with ethical implications of the highest severity. This certainly would apply while the rabbi serves as the congregant's mentor/spiritual leader/confidant/ halakhic authority. Maintenance of the boundary is advisable even after the rabbi/congregant relationship has ended, as when one or the other has moved to another area or has graduated. Once an interaction has been set with inevitable power imbalances, these structures remain deeply ingrained with vestiges remaining long after parties have moved on. The power imbalances remain and may one day "blind" one or more of the parties leading to damaging consequences to existing new family relationships that either has built. Violations of such boundaries at this later stage also transgress the ethical underpinnings of a noble profession.

A strong precedent for such ethical practice exists in other professions such as the army, education, and, most prominently, in the fields of psychology and psychiatry. The published

standards of conduct of the American Psychiatric Association, which serves as a model of ethical standards for world psychiatry, states explicitly that sexual activity with a current or former patient is unethical and, in 1993, the organization adopted a position that sexual contact between a psychiatrist and former patient was prohibited, with no time limit specified.⁸ The undue influence operating in these situations inevitably lead to the impaired capacity of former patients to give or withhold consent to certain interactions and even transactions.⁹ In a similar manner, this would easily find expression in the relationship between a current and even former rabbi and his congregant/student.

Who is the Rabbi Most at Risk?

While it is impossible and unfair to characterize all individuals at risk for boundary violations in any inclusive manner, certain features predisposing to such behavior are evident. For an appropriate and healthy relationship with a congregant or student to thrive, it is essential that trust, reliability, and a commitment to the congregant's needs and well-being be present. A rabbi with issues of impaired impulse control and exaggerated views of his own "specialness" is therefore most at risk for failure to maintain the sacred boundaries of the profession. These characterological weaknesses together with excessive needs for affirmation or unacknowledged longings for care and nurturance place the rabbi at considerable risk of succumbing to intimate enticements of the relationship.

In addition, such a rabbi would be more inclined to abuse his power in the uneven

7. Bleiberg JR & Skufca L. "Clergy Dual Relationships, Boundaries, and Attachment," *Pastoral Psychology* 2005;54, 3-22.

8. American Psychiatric Association: *The Principles of Medical Ethics with Annotations Especially Applicable to Psychiatry*, (Washington, DC, APA, 2001).

9. Malmquist CP, Notman MT, "Psychiatrist-patient boundary issues following treatment termination," *American Journal of Psychiatry* 2001;158, 1010-8.

relationship that exists between himself and the female student or congregant. This is especially true when weakness is evident due to a challenging event in her life such as pending divorce, upcoming conversion, abandonment by spouse etc.

Preventing Boundary Crossings and Violations

As has happened in the psychiatry profession, the rabbinic equivalent of professional standards committees, however constituted, is obligated to respond to professional boundary transgressions and to develop a consensus regarding the parameters of professional conduct in these areas for rabbis. As is true for psychiatrists—perhaps even more so given the nature of the profession—the ability of rabbis to serve as effective role models for their congregants would be nullified by any failure to address incidents of boundary infringements.

The rabbi with impaired impulse control and exaggerated views of his own “specialness” is most at risk

Although sexual contact represents the most extreme and publicized form of boundary violation, nonsexual forms of exploitation involving finances and confidentiality are also relevant. These factors need to be made explicit and discussed during initial and ongoing training of rabbis and religious educators. It is therefore critically important for yeshivot that train rabbinic students to devote time and effort to this aspect of every future rabbi’s development. While a few seminaries in fact invest energy in this area of training—Yeshiva University’s Caroline and Joseph S. Gruss Institute in Jerusalem and Yeshivat Chovevei Torah in Manhattan are two—it is unfortunately rare for other rabbinical seminaries to do so. Change is urgently needed.

When boundary violations do take place and they become known to community leaders, be they rabbinic or lay, the issues need to be dealt with responsibly and in a timely fashion despite the often knee-jerk reflex of such bodies to deny or ignore the event and act as if it never occurred or that it does not warrant further attention.

Preventative Measures and Guidelines for Practical Boundaries

There are many dangers inherent in legitimate private consultation or counseling sessions between a rabbi and a susceptible congregant or student, which can lead to possible misinterpretations and/or boundary violations. It is therefore a question not of whether it will occur but rather of how often. An environment of “safety and predictability” needs to be engendered in all interactions. On

It is a question not of whether it will occur, but of how often.

a practical level, certain steps should be taken and instituted by the rabbis in order to prevent destructive boundary violations. They include the following, among others:

1. The necessity of boundaries and importance thereof must be verbalized and made clear to the congregant and/or student.
2. Rabbis must not meet with congregants or students outside of the professionally accepted or designated place e.g. office, classroom, beit ha-midrash. Even an innocent pre-set meeting in a coffee shop or restaurant can lead to problems. Meeting with a vulnerable individual (as is often the case) in a non-office environment can blur the boundaries unnecessarily. If meeting a member of the opposite gender at one’s home, care should be taken that a member of the congregant’s gender is also present

in the house at the time (preferably the rabbi's spouse, if he has one).

3. It is inadvisable to meet alone where there is no possibility of being disturbed. Prevent total privacy. This mirrors the halakhic laws of *yibud*, a restriction one might easily want to waive in "extenuating circumstances," but often most needed for the vulnerable student, congregant and/or rabbi who also is experiencing personal crises and thus is at risk. The laws of *yibud*, based on inherent human frailties, acknowledge that there are certain desires that people will yield to in various situations. Interestingly, just as *halakhah* succeeds in preventing submission to difficult-to-control habits under various circumstances (e.g. smoking on Shabbat for the compulsive smoker), so too will *halakhah* succeed in preventing boundary violations and misconduct of the sort under discussion if laws of *yibud* are strictly adhered to. Thus, for example, the door to the rabbi's office should remain open unless there is a specific request to close it, in which case there should be appropriate additional safeguards, including an unlocked door, a secretary in an adjoining room and the option for the rabbi's assistant to enter at any time. The door might also be closed if there are windows guaranteeing the possibility of "eye contact access" by those outside the room. Other staff in the office should readily have access to the room. Furthermore, it is inadvisable to drive the congregant home.
4. Rabbis should master the challenging but critically important skill of "empathic detachment". "I am present for you, but only within the context and boundaries of my position as a rabbi and nothing else."
5. Rabbis must beware of excessive self-disclosure by the rabbi. For a rabbi to counsel and guide a congregant or student, it is not necessary for him to discuss his personal issues or details even as example

of "successful" dealings with challenges or adversity.

6. Rabbis must beware of treating students or congregants as confidants, especially if they are of the opposite gender.
7. Dating previous congregants is not allowed.
8. Rabbis must beware of using one's position as rabbi to obtain benefits (financial, business, services) from congregants/students for oneself, one's family or even one's friends.
9. Rabbis should maintain set times for interactions and limit time for counseling sessions. They should not allow excessive contact via other media such as "sms" or email. This may also become a form of boundary violation unless the interaction is kept strictly professional and businesslike, a difficult task to maintain over time.
10. Times must be set to receive various individuals (e.g. *tsedaqah* collectors) in their quest to obtain your blessing and approval. This also a boundary issue. Stick to these times; otherwise the boundary violation will come to disturb and haunt both the rabbi and his family's privacy and peace.
11. No matter how vulnerable and sensitive the congregant or student is, the absolute boundary of no physical contact must be preserved, even at the expense of the rabbi being accused of being cold and detached.

General Preventative Measures

Since the boundaries guard and preserve the integrity of the rabbi-congregant/student relationship, it becomes the senior partner's (the rabbi's) responsibility and duty to institute appropriate boundaries. Even when the boundaries are challenged, the rabbi must uphold the ethical standards of the profession and maintain them. Knowledge of boundary

issues and how to take practical steps to preserve them does not come naturally. Hence the rabbi must invest in necessary training. National rabbinical organizational structures should require such training prior to ordination and hiring.

Community structures, batei din etc. need to institute a complaint infrastructure enabling such infringements of boundaries to be reported and responsibly attended to at an early stage before damage becomes entrenched. This must include appropriate censure and disciplinary action when necessary. This factor is important since often in dealing with the issues, the problem is not limited to the rabbi, but to the response of the community as well. The conduct of the rabbi who oversteps boundaries leading him down the path to sexual misconduct should not be rationalized. It should be dealt with immediately and effectively by the community and its disciplinary structures. While the Rabbinical Council of America (RCA) in 2004 instituted a thorough, impartial and far-reaching protocol for dealing with allegations of sexual misconduct against its members, many countries around the world still lack such a manner of dealing with improprieties and boundary violations of rabbis. The RCA protocol calls for an immediate response to allegations, irrespective of source, with thorough investigation and resolution of all accusations, while protecting innocent parties against groundless allegations. If after full investigation the allegations are deemed to be credible, a variety of responses can be recommended to, and implemented by, the RCA, including expulsion from the organization, and notification of colleagues, employers, and general public, if considered necessary to prevent potential harm to others (RCA Convention Resolutions '04, RCA Resolution on Allegations of Sexual Impropriety, June 15, 2004).

Rabbis should have available the option of consulting with well-trained and experienced mental health practitioners who would assist in dealing with the challenging or difficult “follower” who may be taxing the strict boundaries set by the diligent rabbi. As in mental-health care, where the fundamental of “supervision” is entrenched the community should likewise offer, or the rabbi should insist on, an analogous resource for himself. Education and prevention is demanded. Erotic feelings towards members of the opposite gender may be a normal reaction, but how one acts on them is what becomes critical and determining. When the rabbi feels that boundaries are being overly challenged by the congregant and that he is not able to deal with such challenges, referring out for help is not a sign of weakness or failure.

Conclusion

The concept of rabbinic boundaries is an unusually complicated concern. This phenomenon is compounded by the fact that, unlike the other helping professions, religious leaders do not have any firm code of ethics prohibiting multifaceted relationships between themselves and their congregants or students. While the consequences of boundary crossings and subsequent boundary violations are most damaging to the rabbi’s follower, they may become damaging as well to the rabbi, to himself in terms of self-worth, as well as to his family to whom revelations of misconduct resulting from boundary violations are often devastating.

Over time, the value and importance of boundary maintenance will come to be respected by the congregants/student and accepted as normal. The aim is to foster awareness in order that preventable occupational hazards do not become a surreptitious trap in the career of many

promising rabbinic figures. The RCA clearly requires that “each member [be] committed to conducting himself according to the highest standards of halakhah and morality in all aspects of his professional and personal life” (RCA Resolution on Allegations of Sexual Impropriety, June 15, 2004).

While in many ways this should be taken for granted, appropriate safeguards of “boundaries” need to be instituted to ensure that this is an absolute given. As we have seen so often recently, the damage done to the community following a widely publicized case of rabbinic boundary violations spiraling out of control is inestimable. It can be prevented. It must be prevented.